<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

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|---|---|---|---|
| Applicants: | David S. Bonalle, et al. | Docket No.: | 54022.1200 |
| Serial No.: | 10/708,545 | Group Art Unit: | 3687 |
| Filed: | March 10, 2004 | Examiner: | Frenel, Vanel |
| Title: | SECURING RF TRANSACTIONS USING A TRANSACTION COUNTER | Confirmation No.: | 2544 |

<u>REQUEST FOR REFUND</u>

Attn: REFUND
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants respectfully request a refund in the amount of $220.00, which we believe was wrongly charged to Deposit Account No. **19-2814** on July 17, 2009 (see attached Patent Application Fee Determination Record and Sales Receipt for Accounting Date: 07/17/2009).

On August 12, 2008, Applicants filed an Amendment and Reply to Office Action comprised of sixteen (16) total claims, five (5) of which were independent. At this time, Applicants paid for two (2) additional independent claims. The Patent Application Fee Determination Record generated with this filing indicated that the Amendment consisted of sixteen (16) total claims, four (4) of which were independent. Applicants respectfully submit that this accounting was in error. (See attached Listing of Claims from the Reply and Amendment filed August 12, 2008, the Patent Application Fee Determination Record and the Electronic Patent Application Fee Transmittal indicating that two (2) additional independent claims were paid for at this time.)

On July 13, 2009 Applicants filed a Reply and Amendment to the Final Office Action dated May 12, 2009, along with a Request for Continued Examination (RCE). At this time, Applicants paid the $810.00 fee for the filing of the RCE. The claims filed in the Amendment and Reply to Final Office Action consisted of fifteen (15) total claims, five (5) of which were independent. Since Applicants had previously paid for the additional independent claims with the August 12, 2008 filing, Applicants did not pay any additional claim fees at this time, as none were required. However, the Patent Application Fee Determination Record Sheet generated with the July 13, 2009 filing indicated the amount of claims previously filed were twenty (20) total claims, four (4) of which were independent. Applicants respectfully submit that this accounting of claims was incorrect, as explained in detail above. (See attached Patent Application Fee Determination Record.) Therefore, the charge of one (1) additional independent claim on July 17, 2009, for a total of $220.00, was in error.

Therefore, Applicants respectfully request a refund in the amount of $220.00, which was wrongly charged to Deposit Account No. **19-2814**.

Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Date: __August 5, 2009__      By:_____

David G. Barker, Reg. No. 58,581

**SNELL & WILMER, L.L.P.**
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Phone: (602) 382-6376
Fax: (602) 382-6070
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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10708545 |
| **Filing Date:** | 10-Mar-2004 |
| **Title of Invention:** | SYSTEM AND METHOD FOR SECURING RF TRANSACTIONS USING A RADIO FREQUENCY IDENTIFICATION DEVICE INCLUDING A TRANSACTIONS COUNTER |
| **First Named Inventor/Applicant Name:** | David S. Bonalle |
| **Filer:** | David G. Barker/Julie Eslick |
| **Attorney Docket Number:** | 54022.1200 |

Filed as Large Entity

## Utility      Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
| Independent claims in excess of 3 | 1201 | 2 | 210 | 420 |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| **Extension-of-Time:** | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| Miscellaneous: | | | | |
| | | | Total in USD ($) | 420 |

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PATENT APPLICATION FEE DETERMINATION RECORD<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/708,545 | Filing Date<br>03/10/2004 | ☐ To be Mailed |
|---|---|---|---|

## APPLICATION AS FILED – PART I

OTHER THAN

|  | (Column 1) | (Column 2) | SMALL ENTITY ☐ | OR | SMALL ENTITY |
|---|---|---|---|---|---|

| FOR | NUMBER FILED | NUMBER EXTRA | RATE ($) | FEE ($) | | RATE ($) | FEE ($) |
|---|---|---|---|---|---|---|---|
| ☐ BASIC FEE<br>(37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | | | N/A | |
| ☐ SEARCH FEE<br>(37 CFR 1.16(k), (i), or (m)) | N/A | N/A | N/A | | | N/A | |
| ☐ EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | | | N/A | |
| TOTAL CLAIMS<br>(37 CFR 1.16(i)) | minus 20 = | * | X $ = | | OR | X $ = | |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h)) | minus 3 = | * | X $ = | | | X $ = | |
| ☐ APPLICATION SIZE FEE<br>(37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | |
| ☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | | | TOTAL | |

## APPLICATION AS AMENDED – PART II

OTHER THAN

|  | (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | OR | SMALL ENTITY |
|---|---|---|---|---|---|---|---|

| AMENDMENT | 08/12/2008 | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total (37 CFR 1.16(i)) | * 16 | Minus | ** 20 | = 0 | X $ = | | OR | X $50= | 0 |
| | Independent (37 CFR 1.16(h)) | * 4 | Minus | *** 3 | = 1 | X $ = | | OR | X $210= | 210 |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | 210 |

|  | (Column 1) | | (Column 2) | (Column 3) | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|

| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/ROZENIA HARMON/

Amendments To Claims

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. – 19. (Canceled)

20. (New) A method comprising:

receiving a transaction request from an RF transaction device, wherein said transaction request comprises a transactions counted value; and

denying said transaction request in response to said transactions counted value exceeding a maximum transactions value.

21. (New) The method of claim 20, wherein said transaction request further comprises at least one of an RF transaction device authentication tag, an account issuer routing number, or an encrypted transaction device identifier.

22. (New) The method of claim 20, further comprising transmitting an interrogation signal to said RF transaction device.

23. (New) The method of claim 20, further comprising:

transmitting said transaction request to a transaction processing entity; and

receiving a denial message from said transaction processing entity in response to said transactions counted value exceeding said maximum transactions value.

24. (New) The method of claim 20, further comprising disabling said RF transaction device in response to said transactions counted value exceeding said maximum transactions value.

25. (New) The method of claim 20, further comprising:

presetting said transactions counted value to an initial count value;

setting an increment value for said transactions counted value; and

setting said maximum transactions value.

26. (New) A radio frequency identification (RFID) reader comprising:

a transponder for receiving a transaction request from an RF transaction device, wherein said transaction request comprises a transactions counted value; and

a network device for denying said transaction request in response to said transactions counted value exceeding a maximum transactions value.

27. (New) The RFID reader of claim 26, further comprising:

means for receiving at least one of a transaction device authentication tag or an encrypted transaction device identifier from said RF transaction device; and

means for decrypting said encrypted transaction device identifier to authenticate said RF transaction device.

28. (New) A transaction processing entity comprising:

means for receiving a transaction request from an RF transaction reader, wherein said transaction request is initiated by an RF transaction device, and wherein said transaction request comprises a transactions counted value; and

means for denying said transaction request in response to said transactions counted value exceeding a maximum transactions value.

29. (New) The transaction processing entity of claim 28, wherein said transaction request further comprises at least one of an RFID reader authentication tag, an RF transaction device authentication tag, or an encrypted transaction device identifier.

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30. (New) The transaction processing entity of claim 28, further comprising means for validating said RF transaction device in accordance with said RF transaction device authentication tag.

31. (New) The transaction processing entity of claim 28, further comprising means for evaluating validity of said RFID reader in accordance with said RFID reader authentication tag.

32. (New) A method comprising:

transmitting a transaction request to an RFID reader, wherein said transaction request comprises a transactions counted value, and wherein said transaction request is denied in response to said transactions counted value exceeding a maximum transactions value; and

incrementing, at said RF transaction device, said transaction counted value.

33. (New) The method of claim 32, further comprising incrementing said transactions counted value by a predetermined value.

34. (New) The method of claim 32, further comprising incrementing said transactions counted value in response to at least one of receiving an interrogation signal, transmitting data, or completing an RF transaction.

35. (New) A Radio Frequency (RF) transaction device comprising:

means for transmitting a transaction request to an RF Identification (RFID) reader, said transaction request comprising a transactions counted value, wherein said transaction request is denied in response to said transactions counted value exceeding a maximum transactions value; and

means for incrementing, at said RF transaction device, said transactions counted value.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| PATENT APPLICATION FEE DETERMINATION RECORD<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/708,545 | Filing Date<br>03/10/2004 | ☐ To be Mailed |
|---|---|---|---|

## APPLICATION AS FILED – PART I

OTHER THAN

| | (Column 1) | (Column 2) | SMALL ENTITY ☐ | OR | SMALL ENTITY | |
|---|---|---|---|---|---|---|
| FOR | NUMBER FILED | NUMBER EXTRA | RATE ($) | FEE ($) | RATE ($) | FEE ($) |
| ☐ BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | | N/A | |
| ☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m)) | N/A | N/A | N/A | | N/A | |
| ☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | | N/A | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | minus 20 = | * | X $ = | | X $ = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | minus 3 = | * | X $ = | | X $ = | |
| ☐ APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | |
| ☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | | TOTAL | |

## APPLICATION AS AMENDED – PART II

OTHER THAN

| | (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | OR | SMALL ENTITY | |
|---|---|---|---|---|---|---|---|---|
| AMENDMENT | **07/13/2009** | | | | | | | |
| | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | RATE ($) | ADDITIONAL FEE ($) |
| | Total (37 CFR 1.16(i)) | * 15 | Minus | ** 20 | = 0 | X $ = | | OR | X $52= | 0 |
| | Independent (37 CFR 1.16(h)) | * 5 | Minus | ***4 | = 1 | X $ = | | OR | X $220= | 220 |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | **220** |

| | (Column 1) | | (Column 2) | (Column 3) | | | | |
|---|---|---|---|---|---|---|---|---|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | RATE ($) | ADDITIONAL FEE ($) |
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/SONYA HILLIARD/

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 07/17/2009

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